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IN THE UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA

11 **In the Matter of the Seizure of:**

12 Any and all funds held in Republic
13 Bank of Arizona Account(s) xxxx1889,
xxxx2592, xxxx1938, xxxx2912, and,
xxxx2500.
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Case No. 2:18-cv-06742-RGK-PJW

**CLAIMANT MICHAEL LACEY'S
NOTICE OF GOVERNMENT'S NON-
OPPOSITION TO MOTION FOR
RELEASE OF FUNDS (DOC. 22)**

16 Date: September 24, 2018
17 Time: 9:00 a.m.
Crtrm: 850
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Assigned to Hon. R. Gary. Klausner

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1 Claimant Michael Lacey, by and through his counsel, filed a Notice of Motion and
2 Motion for Release of Certain Untainted Funds on August 10, 2018 (“Motion”), which
3 challenged the government’s seizure of certain bank accounts on the basis that those bank
4 accounts held demonstrably untainted funds and the accidental transfer of purportedly
5 tainted funds into those accounts was the result of a clerical error by the transferor about
6 which Mr. Lacey had no knowledge until the accounts were seized. (Docs. 22-25.) In
7 addition to challenging the government’s improper seizure of those specific accounts, Mr.
8 Lacey joined in the constitutional challenges to all of the government’s pretrial seizures
9 of assets raised in James Larkin’s Notice of Motion and Motion to Vacate (Doc. 6).

10 On August 28, 2018, this Court issued an order scheduling the hearing on Mr.
11 Larkin’s Motion to Vacate for September 24, 2018 (Doc. 42); however, no hearing was
12 scheduled on Mr. Lacey’s Motion for Release of Certain Untainted Funds. On August 27,
13 2018, Mr. Lacey filed an Unopposed Application for an Order Scheduling the Hearing on
14 Mr. Lacey’s Motion for Release of Funds on the Same Date as the Hearing on Mr. Larkin’s
15 Motion to Vacate (Doc. 39), which this Court granted (Doc. 43).

16 Critically, the Government has not responded to Mr. Lacey’s Motion for Release of
17 Certain Untainted Funds. Further, the government has not sought any extension of its
18 deadline to respond to the Motion. At this time, the time for submitting an opposition or
19 a request for an extension has passed, and thus the Motion is unopposed.

20 Although this Court has vacated the September 24, 2018 hearing on Mr. Larkin’s
21 Motion to Vacate, indicating that Mr. Larkin’s motion will be taken under consideration
22 on submission, there has been no order issued on the hearing on Mr. Lacey’s unopposed
23 Motion for Release of Certain Untainted Funds. (Doc. 55.) In light of that order, Mr.
24 Lacey seeks clarification as to whether counsel should appear on Mr. Lacey’s unopposed
25 Motion on September 24, 2018 or whether the Court will take this unopposed Motion, too,
26 under consideration on submission of the parties.

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1 DATED: September 19, 2018

Respectfully submitted,

2 Paul J. Cambria, Jr.

3 Lipsitz Green Scime Cambria LLP

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5 By: /s/ Paul J. Cambria, Jr.

6 Paul J. Cambria, Jr.

7 Attorneys for Michael Lacey

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CERTIFICATE OF SERVICE

I hereby certify that on September 19, 2018, I filed the foregoing with the United States District Court for the Central District of California using the CM/ECF system.

I hereby certify that on September 19, 2018, a copy of the foregoing was also delivered to the following via CM/ECF:

JOHN K. KUCERA, ESQ.
Assistant U.S. Attorney
U.S. Attorney's Office
Asset Forfeiture Section
312 North Spring Street
Los Angeles, CA 90012

Dated: Buffalo, New York
September 19, 2018

/s/April L. Kelly
April L. Kelly